

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 06-CR-341

-vs-

CONNIE KINSMAN-MISHALI,

Defendant.

DECISION AND ORDER

The defendant, Connie Kinsman-Mishali (“Kinsman”), moves for judgment of acquittal pursuant to Rule 29(a) and (c) of the Federal Rules of Criminal Procedure. Kinsman raises the following grounds. First, Counts 2-5 of the Indictment are multiplicitous. Second, the evidence adduced at trial was not sufficient to support a finding of guilty with respect to all five counts of the indictment. Third, the Court erroneously informed the jury in response to a question asked of the court by the jury in regards to Count 2.

The Court has read the parties’ submissions and reviewed the record, and rules as follows. Kinsman’s motion is **DENIED**.

First, the indictment properly charged Kinsman with four counts of structuring because Kinsman engaged in four separate incidents of structuring. Each incident was independent of the others and the indictment reflects this. Because of this, there was no overall structuring scheme that required prosecutorial treatment as a single unit.

Second, the evidence was more than sufficient to establish Kinsman's guilt on all counts. The Court thought this to be the case at the conclusion of the government's case, and is even more convinced now that all the evidence is presented. The Court finds that no rational jury could find even a competing influence to the guilt of the defendant Kinsman.

Third, the jury asked the following question during deliberations as to Count 2. "To cause the structured withdrawals, would the defendant's influence had to have been exerted starting with the first withdrawal?" The Court answered "No." Essentially, the negative response is correct because Kinsman could have influenced the structured withdrawals at any time and still be found guilty as an aider and abetter.

Kinsman's motion for judgment of acquittal is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 7th day of March 2008.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge